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Copy of Petition for Certificate of Correction Under 37 CFR §1.324 to Correct Inventor Names as originally filed 02 MAR 2005 (w/copy of Auto-Reply Facsimile Transmission) (8 pages)
Certificate of Facsimile Transmission

Attorney Docket No.: 08563-0140-1

Application No.: 10/067,155 / US Patent No. 6,810,585

Filing Date: February 4, 2002 / Issued: November 2, 2004

FAX NUMBER: (717) 237-5300

PARALEGAL RESPONSIBLE: Kimberly A. Newell

TELEPHONE: (717) 237-5239

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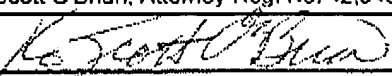
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/067,155 / US Patent No. 6,810,585
		Filing Date	February 4, 2002 / Issued: Nov. 2, 2004
		First Named Inventor	Teresa R. HICKOK
		Art Unit	3732
		Examiner Name	Todd E. MANAHAN
Total Number of Pages in This Submission	11	Attorney Docket Number	08563-0140-1

ENCLOSURES (check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	McNees Wallace & Nurick LLC K. Scott O'Brian, Attorney Reg. No. 42,946		
Signature			
Date	May 18, 2005		

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Transmitted From: Division for Certificate of Corrections Branch 37 CFR § 1.308 in Computer Invention Notices Certificate of Examining Procedure					
Attorney District No. 00000-0140-1 Application No. 10067160 / US Patent No. 6,810,005 Filing Date: February 4, 2002 / Inventor: November 7, 2004					
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08563-0140-1

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393

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Transmittal Form
Petition for Certificate of Correction Under 37 CFR §1.324 to Correct Inventor Names
Certificate of Facsimile Transmission

Attorney Docket No.: 08563-0140-1
Application No.: 10/067,155 / US Patent No. 6,810,585
Filing Date: February 4, 2002 / Issued: November 2, 2004

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PAGE 4/11 * RCVD AT 5/18/2005 5:27:52 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-1/4 * DNIS:8729306 * CSID:717 237 5300 * DURATION (mm-ss):03-46



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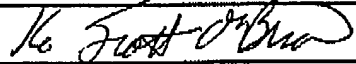
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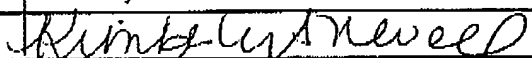
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/067,155 / US Patent No. 6,810,585
		Filing Date	February 4, 2002 / Issued: Nov. 2, 2004
		First Named Inventor	Teresa R. HICKOK
		Art Unit	3732
		Examiner Name	Todd E. MANAHAN
Total Number of Pages in This Submission	6	Attorney Docket Number	08563-0140-1

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
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Attorney Docket No. 08563-0140-
U.S. Patent 6,810,585 B2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**MAY 18 2005**

In re Application of Teresa R. Hickok :
:
U.S. Patent No.: 6,810,585 B2 : Group Art Unit: 3732
:
Issue Date: November 2, 2004 : Examiner: Manahan, Todd E.

For: MICROENDODONTICS ULTRASONIC SURGICAL DENTAL TOOL HAVING
WATER PORT AND METHOD OF MAKING SAME

**PETITION FOR CERTIFICATE OF CORRECTION UNDER 37 CFR
§ 1.324 TO CORRECT INVENTOR NAMES**

Certificate of Correction Branch
Commissioner for Patents
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Sir:

Dr. Kim is added as an inventor as a result of a Settlement Agreement in the lawsuit, Dentsply International, Inc. v. Earth City Technologies, Inc., United States District Court for the Eastern District of Missouri, Eastern Division (Case No.: 4:01CV00173HEA). During prosecution of the lawsuit, certain facts were brought to light to indicate that Dr. Kim is a co-inventor of the application as a result of contributions to at least one of the claims of the subject application made during the development of the invention by Ms. Hickok. Nevertheless, this omission was erroneous and without deceptive intent. The assignee of the application has thus acted to comply with 35 U.S.C. § 116 and 37 CFR § 1.48, to correct inventorship by providing the required declarations, chain of title and other documents to add Dr. Kim as the inventor.

A summary of correspondence in this regard follows. On April 6, 2004, Applicant submitted an unsigned Declaration adding Dr. Kim as an inventor. A Notice of Allowance dated May 3, 2004 was sent by the U.S. Patent Office. Apparently, the papers were lost by the U.S. Patent Office after receipt, so Applicant submitted a status letter on June 14, 2004. On July 13, 2004, the Examiner, recognizing Applicant's attempt to add an inventor, submitted a Response, citing deficiencies under 37 CFR 1.48(a). On August 2, 2004, Applicant sent by facsimile to the

Attorney Docket No. 08563-0140-1
U.S. Patent 6,810,585 B2

Examiner documents required by the Examiner believed to resolve deficiencies regarding the petition to correct inventorship.

On August 3, 2004, the last day possible to pay the Issue and Publication Fees without the application going abandoned as it was three months after the mailing date of the Notice of Allowance, Applicants timely paid the Issue and Publication Fees. On September 20, 2004, the Examiner sent an Examiner's Amendment citing yet another deficiency for the correction of inventorship under 37 CFR 1.48(a). On October 13, 2004, Applicant provided documents addressing this deficiency. On October 20, 2004, Applicant received an Issue Notification, stating the projected issue date was set for November 2, 2004. Indeed, on November 2, 2004, U.S. Patent No. 6,810,585 issued, however, Dr. Kim had not been added as an inventor.

On February 2, 2005, the undersigned teleconferenced with the Examiner regarding the status of the 37 CFR 1.48 petition, noting that MPEP 1481 provides that a 37 CFR 1.48 petition filed in a pending application but not acted upon until after the application becomes a patent, may be treated as a petition under 37 CFR 1.324. The Examiner had concurred that the 37 CFR 1.48 petition had been timely filed, and that this matter would be placed on a "hot docket" and the 37 CFR 1.48 petition approved. However, no documents were filed making this a matter of record, as November 2, 2004 is the most recent entry in PAIR as of February 28, 2005.

CONCLUSION

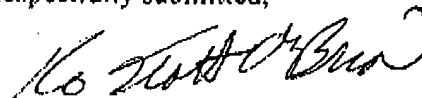
Applicant has acted promptly upon learning of the circumstances giving rise to the correction of inventorship, and has diligently and timely provided documents to the Examiner, and respectfully requests that in accordance with MPEP 1481, the petition under 37 CFR 1.48 be timely approved as well as timely approval of the petition under 37 CFR 1.324 to correct inventorship.

If a telephone conference would expedite this matter, the Examiner is encouraged to contact the undersigned.

Attorney Docket No. 08563-0146-1
U.S. Patent 6,810,585 B2

The Commissioner is hereby authorized to charge indicated fees and any additional fees and credit any overpayments to Deposit Account No. 50-1059, although none should be required as timely fees were paid for the petition under 37 CFR 1.48.

Respectfully submitted,



Dated: March 2, 2005

K. Scott O'Brian
Reg. No. 42,946

McNees Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, Pa 17108-1166
Phone: 717-237-5492
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Attorney for Applicant

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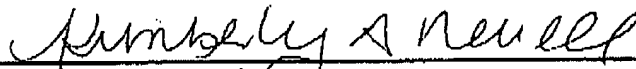
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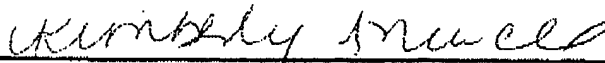
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